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EXAMINER

BUTLER, MICHAEL E

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/803,353

**Applicant(s)**

YOUNG ET AL.

**Examiner**

Michael Butler

**Art Unit**

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10162007</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11 and 14 are rejected under 35 U. S. C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is a lack of antecedent basis for the following elements: (Re: cl 11) the stack, (Re: cl 14) the body.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claim(s) 1, 3-5 and 8 and 11 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Balish (WO 02/064435A2) which discloses all the claimed elements including:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body(12, fig 1)

having a first width, wherein the upright container body has an open mouth;  
a bridge removably mounted in said open mouth of said upright container body and  
having a dispensing aperture therethrough, said bridge having a second width, second  
width of the bridge having a dispensing aperture therethrough, bridge having a second  
width, second width of bridge being less than first width of container body, bridge being  
removable from the wipe dispensing container to permit access to the interior of the  
upright container body ( 20 fig 1);

and a lid for the upright container body, having a seal member thereon for mating with a  
lip in the upright container body when the lid is in a closed position (p3 L 3-15)

(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile ( 12 fig  
1)

(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front  
and rear walls, and two sidewalls to define an open mouth ( p5 L 4-33 )

(Re: cl 4)(3) further including a bridge removably mounted in the open mouth of said  
upright container body and defining a dispensing aperture, said bridge being removable  
from said wipe dispensing container to permit access to the interior of the upright  
container body

(Re: cl 4) wherein bridge and aperture are centered on first width of container  
body

(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing  
container (20 fig 1)

(Re: cl 11)([8] 1) wherein the stack of wipes is fitted in a vertical axis of the upright  
container body

(Re: cl 14) A method of dispensing at least one wipe from a wipe dispenser, comprising  
the steps of: Opening a lid on the wipe dispenser; Drawing the at least one wipe through a  
dispensing aperture defined in a bridge in an open mouth of the wipe dispenser (p6 25-p7  
L 5);

Closing the lid on the wipe dispenser such that the lid is flush with the upper portion of  
the container body ( p11 L 10-12; p9 L 18-19 );

Repeating said opening, drawing, and closing steps until substantially all of the at least  
one wipe within the wipe dispenser are depleted (p6 L 27-29 ,inherent with the refilling  
process);

Removing the bridge and replacing the at least one wipe under a spring device within the  
wipe dispenser (p6 L 25-32);

and Replacing the bridge and closing the lid (p5 L 18-19).

5. Claims 1, 3-5 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerstein

3795355 which discloses all the claimed elements including:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body;

having a first width, wherein the upright container body has an open mouth;

a bridge removably mounted in said open mouth of said upright container body and

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having a dispensing aperture therethrough, said bridge having a second width, second width of the bridge having a dispensing aperture therethrough, bridge having a second width, second width of bridge being less than first width of container body, bridge being removable from the wipe dispensing container to permit access to the interior of the upright container body (16; c3 L 59-c4 L 20);

and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (c 3 L 59-c4 L 20) (Re: cl 2) wherein said wipe dispensing container has a substantially thin profile (11 fig 1)

(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front and rear walls, and two sidewalls to define an open mouth (11 fig 1/2a)

Re: cl 4) wherein bridge and aperture are centered on first width of container body

(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing container (c 3 L 59-c4 L 8)

(Re: cl 11)([8] 1) wherein the stack of wipes is fitted in a vertical axis of the upright container body.

6. Claims 1, 4, 5, are rejected under 35 U.S.C. 102(b) as being anticipated by Haines et al.

6158614 which discloses all the claimed elements including:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body(c3 L 54-c4 L 27),

having a first width, wherein the upright container body has an open mouth; a bridge removably mounted in said open mouth of said upright container body and having a dispensing aperture therethrough, said bridge having a second width, second width of the bridge having a dispensing aperture therethrough, bridge having a second width, second width of bridge being less than first width of container body, bridge being removable from the wipe dispensing container to permit access to the interior of the upright container body;

and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (c3 L 54-c4 L 27)

(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile (10 fig 1)

(Re: cl 4) wherein bridge and aperture are centered on first width of container body

(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing container.

7. Claims 1, 3-5, 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Margulies 4526291 which discloses all the claimed elements including:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body; having a first width, wherein the upright container body has an open mouth; a bridge removably mounted in said open mouth of said upright container body and having a dispensing aperture therethrough, said bridge having a second width, second width of the bridge having a dispensing aperture therethrough, bridge having a second width, second width of bridge being less than first width of container body, bridge being removable from the wipe dispensing container to permit access to the interior of the upright container body(38 fig 2B) ;  
and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (c3 L 31-45)  
(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile (6 fig 2)  
(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front and rear walls, and two sidewalls to define an open mouth ( c3 L 38-45)  
(Re: cl 4) wherein bridge and aperture are centered on first width of container body (30 fig 3/4/5)  
(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing container (c4 L 38-46)  
(Re: cl 10)(4) wherein the dispensing aperture comprises an opening with a variable width for dispensing a selected nonwoven wipe (18/20/22 fig 5)  
(Re: cl 11)([8] 1) wherein the stack of wipes is fitted in a vertical axis of the upright container body.

8. Claims 1, 3-5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Faulks et al. us2002/0023932a1 which discloses all the claimed elements including:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body; having a first width, wherein the upright container body has an open mouth; a bridge removably mounted in said open mouth of said upright container body and having a dispensing aperture therethrough, said bridge having a second width, second width of the bridge having a dispensing aperture therethrough, bridge having a second width, second width of bridge being less than first width of container body, bridge being removable from the wipe dispensing container to permit access to the interior of the upright container body (§ 50);  
and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (§ 48-49)  
(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile ( 1 fig 1,6)  
(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front and rear walls, and two sidewalls to define an open mouth (§ 50)  
(Re: cl 4) wherein bridge and aperture are centered on first width of container body (§ 50)  
(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing container (§ 50)

(Re: cl 7) [5]3 bridge has 2 sided and sized to provide a finger access between each side of the bridge and each respective sidewall of the upright container body (¶ 50, each side)

9. Claims 1, 3, 8-9, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yates 3095087 which discloses all the claimed elements including:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body;

having a first width, wherein the upright container body has an open mouth;  
a bridge removably mounted in said open mouth of said upright container body and  
having a dispensing aperture therethrough, said bridge having a second width, second  
width of the bridge having a dispensing aperture therethrough, bridge having a second  
width, second width of bridge being less than first width of container body, bridge being  
removable from the wipe dispensing container to permit access to the interior of the  
upright container body (38 fig 2B);

and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (c2 L 1-22)

(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile (11 fig 1)

(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front and rear walls, and two sidewalls to define an open mouth ( 11 fig 1 )

(Re: cl 4) wherein bridge and aperture are centered on first width of container  
body (17 fig 1)

(Re: cl 8) further comprising a spring device within the upright container body for maintaining a stack of wipes in a substantially upright position within the interior of the upright container body (27 fig 1)

(Re: cl 9)(8) wherein the spring device extends along the vertical axis of the upright container body (27 fig 3)

(Re: cl 11)([8] 1) wherein the stack of wipes is fitted in a vertical axis of the upright container body.

10. Claims 1, 3-4, 8, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wright 5390820 which discloses all the claimed elements including:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body;

having a first width, wherein the upright container body has an open mouth;  
a bridge removably mounted in said open mouth of said upright container body and  
having a dispensing aperture therethrough, said bridge having a second width, second  
width of the bridge having a dispensing aperture therethrough, bridge having a second  
width, second width of bridge being less than first width of container body, bridge being  
removable from the wipe dispensing container to permit access to the interior of the  
upright container body (38 fig 2B);

and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (Fig 1; c4 L 47-60)

(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile ( Fig 2)

(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front and rear walls, and two sidewalls to define an open mouth (fig 2 c4 L 47-60)

(Re: cl 4) wherein bridge and aperture are centered on first width of container body (fig 1/2/3)

(Re: cl 8) further comprising a spring device within the upright container body for maintaining a stack of wipes in a substantially upright position within the interior of the upright container body (15/3 fig 2)

(Re: cl 11)(8) wherein the stack of wipes is fitted in a vertical axis of the upright container body (19 fig 1).

11. Claims 1, 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson et al. 4865221 which discloses all the claimed elements including:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body; having a first width, wherein the upright container body has an open mouth; a bridge removably mounted in said open mouth of said upright container body and having a dispensing aperture therethrough, said bridge having a second width, second width of the bridge having a dispensing aperture therethrough, bridge having a second width, second width of bridge being less than first width of container body, bridge being removable from the wipe dispensing container to permit access to the interior of the upright container body (79 fig 3);

and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (fig 3; c11 L 1-39)

(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile ( 66 fig 3)

(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front and rear walls, and two sidewalls to define an open mouth ( 66 fig 3)

(Re: cl 4) wherein bridge and aperture are centered on first width of container body

(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing container (c11 L 27-39).

12. Claims 1, 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Taormina 6170651 which discloses all the claimed elements including:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body, having a first width, wherein the upright container body has an open mouth; a bridge removably mounted in said open mouth of said upright container body and having a dispensing aperture therethrough, said bridge having a second width, second width of the bridge having a dispensing aperture therethrough, bridge having a second width, second width of bridge being less than first width of container body, bridge being removable from the wipe dispensing container to permit access to the interior of the upright container body (38 fig 2B);

and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (c4 L 45-60)



(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile (30 fig 1)

(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front and rear walls, and two sidewalls to define an open mouth ( 96 fig 6 )

(Re: cl 4) wherein bridge and aperture are centered on first width of container body (see fig 3)

(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing container (c4 L 30-44 ).

13. Claims 1, 3-6 and 8-11 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenmotsu 2619398 which discloses all the claimed elements including:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body; having a first width, wherein the upright container body has an open mouth; a bridge removably mounted in said open mouth of said upright container body and having a dispensing aperture therethrough, said bridge having a second width, second width of the bridge having a dispensing aperture therethrough, bridge having a second width, second width of bridge being less than first width of container body, bridge being removable from the wipe dispensing container to permit access to the interior of the upright container body (5/16 fig 2-4);

and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (c1 L 45-c2 L 6; fig 2)

(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile (FIG 1 & 2)

(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front and rear walls, and two sidewalls to define an open mouth (c1 L 45-55)

(Re: cl 4) wherein bridge and aperture are centered on first width of container body (12 fig 2)

(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing container (c2 L 1-7)

(Re: cl 6)(3) wherein the front wall of the upright container body is shorter than the rear wall thereof with the two sidewalls angled upwardly toward the rear wall thereof to provide an angled open mouth (at 11 & 12 vs. 6 fig 2)

(Re: cl 8) further comprising a spring device within the upright container body for maintaining a stack of wipes in a substantially upright position within the interior of the upright container body (15 FIG 3)

(Re: cl 9)(8) wherein the spring device extends along the vertical axis of the upright container body (15 FIG 3)

(Re: cl 10)(4) wherein the dispensing aperture comprises an opening with a variable width for dispensing a selected nonwoven wipe (12 vs. 11 fig 2)

(Re: cl 11)(8) wherein the stack of wipes is fitted in a vertical axis of the upright container body (c2 L 17-28)

(Re: cl 14) A method of dispensing at least one wipe from a wipe dispenser, comprising the steps of: Opening a lid on the wipe dispenser (c2 L 50-56); Drawing the at least one wipe through a dispensing aperture defined in a bridge in an open mouth of the wipe dispenser (c2 L 17-49); Closing the lid on the wipe dispenser such that the lid is flush with the upper portion of the container body, repeating said opening, drawing, and closing steps until substantially all of the at least one wipe within the wipe dispenser are depleted, Removing the bridge by grasping opposite side through a finger access between bridge and sidewall (c1 L 47-c2 L 6 ) and replacing the at least one wipe under a spring device within the wipe dispenser; (shown in fig 3) and Replacing the bridge and closing the lid (inherent with intended operation)  
(Re: cl 15) further comprising the step of placing the wipe dispenser horizontally onto a surface before drawing the at least one wipe through the dispensing aperture (base of fig 3).

14. Claims 1 and 3-5 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Temesvary et al. 5263607 which discloses all the claimed elements including: adjustable nozzle

(Re: cl 1) A wipe dispensing container, comprising: an upright container body (abstract) ; having a first width, wherein the upright container body has an open mouth; a bridge removably mounted in said open mouth of said upright container body and having a dispensing aperture therethrough, said bridge having a second width, second width of the bridge having a dispensing aperture therethrough, bridge having a second width, second width of bridge being less than first width of container body, bridge being removable from the wipe dispensing container to permit access to the interior of the upright container body (c2 L 66-c3 L 12); and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (10 fig 1)  
(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile  
(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front and rear walls, and two sidewalls to define an open mouth (c2 L 47-57)  
(Re: cl 4) wherein bridge and aperture are centered on first width of container body (10 fig 2/1)  
(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing container (32b & 4 fig 3)  
(Re: cl 10)(4) wherein the dispensing aperture comprises an opening with a variable width for dispensing a selected nonwoven wipe (abstract)

15. Claims 1 and 3-5 and 7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bitwoft et al. 6092690 which discloses all the claimed elements including:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body; having a first width, wherein the upright container body has an open mouth; a bridge removably mounted in said open mouth of said upright container body and having a dispensing aperture therethrough, said bridge having a second width, second

width of the bridge having a dispensing aperture therethrough, bridge having a second width, second width of bridge being less than first width of container body, bridge being removable from the wipe dispensing container to permit access to the interior of the upright container body (c2 L 35-63);

and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (c2 L 35-63)

(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile (fig 2)

(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front and rear walls, and two sidewalls to define an open mouth (c2 L 35-63)

(Re: cl 4) wherein bridge and aperture are centered on first width of container body (fig 1)

(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing container (top of base sides mating with bridge recess in fig 2)

(Re: cl 7)(5) wherein the bridge is sized to define at least one finger access between the bridge and the walls of the upright container body (inclined lip at side of bridge 3)

(Re: cl 11)([8] 1) wherein the stack of wipes is fitted in a vertical axis of the upright container body ( 7 fig 2 ).

16. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Stephens

4964526 which discloses all the claimed elements including:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body(20) having a first width, wherein the upright container body has an open mouth;

a bridge removably mounted in said open mouth of said upright container body and having a dispensing aperture therethrough, said bridge having a second width, second width of the bridge having a dispensing aperture therethrough, bridge having a second width, second width of bridge being less than first width of container body, bridge being removable from the wipe dispensing container to permit access to the interior of the upright container body (70,80 fig 2);

; and a lid for the upright container body, having a seal member (42) thereon for mating with a lip (60 / 44) in the upright container body when the lid is in a closed position

(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile (20 fig 1)

(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front and rear walls, and two sidewalls to define an open mouth ( c5 L 29-41)

(Re: cl 4) wherein bridge and aperture are centered on first width of container body (fig 6/7);

(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing container (c6 L 1-9)

(Re: cl 6)(3) wherein the front wall of the upright container body is shorter than the rear wall thereof with the two sidewalls angled upwardly toward the rear wall thereof to provide an angled open mouth (26 & 32 fig 2 / 3 vs. 24 fig 2 / 3).

17. Claims 1 and 3-6 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis et al. 6592001 which discloses all the claimed elements including:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body, having a first width, wherein the upright container body has an open mouth; a bridge removably mounted in said open mouth of said upright container body and having a dispensing aperture therethrough, said bridge having a second width, second width of the bridge having a dispensing aperture therethrough, bridge having a second width, second width of bridge being less than first width of container body, bridge being removable from the wipe dispensing container to permit access to the interior of the upright container body (22 fig 3);

and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (c6 L 25-67)

(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile (10 fig 1)

(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front and rear walls, and two sidewalls to define an open mouth (c6 L 25-67)

(Re: cl 4) wherein bridge and aperture are centered on first width of container body (16, 22 fig 2 )

(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing container (c3 L 35-44 )

(Re: cl 6)(3) wherein the front wall of the upright container body is shorter than the rear wall thereof with the two sidewalls angled upwardly toward the rear wall thereof to provide an angled open mouth (12 vs. 26 fig 1, subjective as to which is the front vs. the rear wall)

(Re: cl 10)(4) wherein the dispensing aperture comprises an opening with a variable width for dispensing a selected nonwoven wipe (c2 L 28-41).

### ***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim(s) 1, 3-5, 8-11, 12-13 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Margulies 4526291 in view of Record GB 2210603, wherein the former discloses the elements previously discussed and further discloses:

(Re: cl 12) wiped dispenser container having a longitudinal axis ( up fig 1 )  
Therethrough, dispensing aperture being disposed on longitudinal axis for  
dispensing of wipes in a predominately longitudinal direction ( ), container body  
having a transverse dimension of bridge being less than transverse dimension of  
container body ( 20 fits inside 6 )  
Lid mounted to container body including an internal bead for snap fit (24 )  
A wiper through said aperture (c4 L 51-65),  
(Re: cl 13) longitudinal axis is parallel the vertical axis of the container body when  
container is disposed on a horizontal surface ( up fig 1 ).

The latter teaches any elements not inherently taught by the former including:

(12, 8) Spring disposed to bias the wipe through the aperture, the spring for  
biasing transverse to the longitudinal axis ( 29 fig 7 ).  
(Re: cl 9) spring extends along vertical axis of upright container body (( 29 fig 7 ).

It would have been obvious at the time of the invention for Margulies use a spring to  
transversely hold the stack in place to keep the wipes positioned and placed for immediate  
dispensing as taught by Record and come up with the instant invention. It would have been  
obvious at the time of the invention for Margulies use a spring to transversely hold the stack in a  
vertical orientation to keep the wipes positioned and placed for immediate dispensing out the top  
as taught by Record and come up with the instant invention.

20. Claim(s) 1, 3-5, 8 and 11, 12-13 is/are rejected under 35 U.S.C. 103(a) as being  
unpatentable over Balish et al. (WO 02/064435A2) in view of Record GB 2210603, wherein the  
former discloses the elements previously discussed and further discloses:

(Re: cl 12) wiped dispenser container having a longitudinal axis ( up fig 1 )  
Therethrough, dispensing aperture being disposed on longitudinal axis for an aperture being disposed  
dispensing of wipes in a predominately longitudinal direction ( ); container body  
having a transverse dimension of bridge being less than transverse dimension of  
container body ( 20 fits inside 6 )  
Lid mounted to container body including an internal bead for snap fit (24 )  
A wiper through said aperture (c4 L 51-65),  
(Re: cl 13) longitudinal axis is parallel the vertical axis of the container body when  
container is disposed on a horizontal surface ( up fig 1 ).

The latter teaches any elements not inherently taught by the former including:

(12, 8) Spring disposed to bias the wipe through the aperture, the spring for biasing transverse to the longitudinal axis ( 29 fig 7).

(Re: cl 9) spring extends along vertical axis of upright container body (( 29 fig 7 ).

It would have been obvious at the time of the invention for Ballish et al. use a spring to transversely hold the stack in place to keep the wipes positioned and placed for immediate dispensing as taught by Record and come up with the instant invention. It would have been obvious at the time of the invention for Balish et al. use a spring to transversely hold the stack in a vertical orientation to keep the wipes positioned and placed for immediate dispensing out the top as taught by Record and come up with the instant invention.

21. Claim(s) 1 and 3-6 and 11 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Taormina 6170651 in view of Persson US 2002/0170841A1) wherein the former discloses the elements previously discussed and The latter discloses any elements not inherently taught by the former including:

(Re: cl 6)(3) wherein the front wall of the upright container body is shorter than the rear wall thereof with the two sidewalls angled upwardly toward the rear wall thereof to provide an angled open mouth (18 fig 1).

It would have been obvious for Taormina to differentiate wall size to ease access to the internal contents as taught by Persson and come up with the instant invention as claimed.

22. Claim(s) 1 and 3-5 and 8-11 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Julius et al. 5667092 in view of Fenton US2005/0189372A1 wherein the former discloses the elements previously discussed and further discloses:

(Re: cl 1) A wipe dispensing container, comprising: an upright container body (18);

having a first width, wherein the upright container body has an open mouth;

a bridge removably mounted in said open mouth of said upright container body and in said open mouth having a dispensing aperture therethrough, said bridge having a second width, second width of the bridge having a dispensing aperture therethrough, bridge having a second width, second width of bridge being less than first width of container body, bridge being removable from the wipe dispensing container to permit access to the interior of the upright container body (4 fig 12 );

and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (3)  
(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile (2 fig 2)  
(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front and rear walls, and two sidewalls to define an open mouth (top fig 12,8 )  
(Re: cl 4) wherein bridge and aperture are centered on first width of container body (fig 12)  
(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing container ( c4 L 52-63)  
(Re: cl 10)(4) wherein the dispensing aperture comprises an opening with a variable width for dispensing a selected nonwoven wipe (47' fig 12)  
(Re: cl 11)(8) wherein the stack of wipes is fitted in a vertical axis of the upright container body (c6 L 1-7).

and the latter discloses any the elements not inherently taught by the former including:

(Re: cl 8) further comprising a spring device within the upright container body for maintaining a stack of wipes in a substantially upright position within the interior of the upright container body (40 fig 4b)  
(Re: cl 9)(8) wherein the spring device extends along the vertical axis of the upright container body (40 fig 4b)  
(Re: cl 12)and a spring device mounted within said container body to maintain the position of a stack of wipes for dispensing (40 fig 4b).

It would have been obvious for Julius et al. to use a vertically oriented spring to press the tissues in place with the bridge to keep the tissues straight and keep the tissues accessible as taught by Fenton and come up with the instant invention.

23. Claim(s) 1 and 3-5 and 14-15 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Bitowft et al. 6092690 in view of Martens 2274866 wherein the former discloses the elements previously discussed and further discloses:

(Re: cl 14) A method of dispensing at least one wipe from a wipe dispenser, comprising at least one of the steps of: Opening a lid on the wipe dispenser;  
Drawing the at least one wipe through a dispensing aperture defined in a bridge in an open mouth of the wipe dispenser (c2 L 35-56)  
Closing the lid on the wipe dispenser such that the lid is flush with the upper portion of the container body (c4 L 64-67)

Repeating said opening, drawing, and closing steps until substantially all of the at least one wipe within the wipe dispenser are depleted;  
and Replacing the bridge and closing the lid (c2 L 35-56)  
(Re: cl 15) further comprising the step of placing the wipe dispenser horizontally onto a surface before drawing the at least one wipe through the dispensing aperture (inherent best use given the height vs. length and width ratio and desire to avert fluid leakage in the moist preferred wipe embodiment).

Martens discloses:

placing a supply of wipes below a spring (p2 c2 L 7-20), and further discloses:  
a full thumb access between the bridge and wall (p2 c2 L 48-55).

It would have been obvious at the time of the invention for Bitowft et al. to refill with a wipe below a spring a to propel the wipe toward an aperture as taught by Martens and come up with the instant invention.

24. Claims 1 and 3-5, 7, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bitowft et al. in view of Temesvary et al. 5263607 which discloses the elements previously discussed and further discloses: 1, 3-5, 7, 8, 10-11

(Re: cl 1) A wipe dispensing container, comprising: an upright container body (abstract); having a first width, wherein the upright container body has an open mouth;  
a bridge removably mounted in said open mouth of said upright container body and  
having a dispensing aperture therethrough, said bridge having a second width, second  
width of the bridge having a dispensing aperture therethrough, bridge having a second  
width, second width of bridge being less than first width of container body, bridge being  
removable from the wipe dispensing container to permit access to the interior of the  
upright container body (c2 L 35-63);

and a lid for the upright container body, having a seal member thereon for mating with a lip in the upright container body when the lid is in a closed position (c2 L 35-63)

(Re: cl 2) wherein said wipe dispensing container has a substantially thin profile (fig 2)

(Re: cl 3) wherein the upright container body includes a bottom wall, upstanding front, rear, and side walls, and two side walls to define an open mouth (c2 L 35-63)

(Re: cl 4) wherein bridge and aperture are centered on first width of container body (fig 1)

(Re: cl 5)(4) wherein the bridge is press fit into the open mouth of the dispensing container (top of base sides mating with bridge recess in fig 2)



(Re: cl 7)(5) wherein the bridge is sized to define at least one finger access between the bridge and the walls of the upright container body (inclined lip at side of bridge 3)

(Re: cl 1) A wipe dispensing container, comprising: an upright container body;

Temesvary et al. 5263607 discloses:

(Re: cl 10)(4) wherein the dispensing aperture comprises an opening with a variable width for dispensing a selected nonwoven wipe (abstract; 10; c2 L 57-65).

It would have been obvious at the time of the invention for Bitwoft et al. use a variable width aperture to adjust differing tensions and accommodate differing size wipes as taught by Temesvary et al. and come up with the instant invention.

#### ***Double Patenting***

25. Claim 1 is provisionally rejected under the judicially created doctrine of double patenting over claims 1-17 and 19 of U. S. Patent No. 11/228792 to Young et al. since the claims, if allowed, would improperly subject applicants to harassment from multiple assignees.

Claim 3 is provisionally rejected under the judicially created doctrine of double patenting over claims 3 and 13-17 of U. S. Patent No. 11/228792 to Young et al. since the claims, if allowed, would improperly subject applicants to harassment from multiple assignees. Claim 5 is

provisionally rejected under the judicially created doctrine of double patenting over claims 13-17 and 19 of U. S. Patent No. 11/228792 to Young et al. since the claims, if allowed, would

improperly subject applicants to harassment from multiple assignees. Claim 7 is provisionally

rejected under the judicially created doctrine of double patenting over claims 14-17 and 19 of U. S. Patent No. 11/228792 to Young et al. since the claims, if allowed, would improperly subject

applicants to harassment from multiple assignees. Claim 8 is provisionally rejected under the

judicially created doctrine of double patenting over claims 10-11 of U. S. Patent No. 11/228792

to Young et al. since the claims, if allowed, would improperly subject applicants to harassment from multiple assignees. Claim 9 is provisionally rejected under the judicially created doctrine of double patenting over claims 11 of U. S. Patent No. 11/228792 to Young et al. since the claims, if allowed, would improperly subject applicants to harassment from multiple assignees. Claim 11 is provisionally rejected under the judicially created doctrine of double patenting over claims 1-17 and 19 of U. S. Patent No. 11/228792 to Young et al. since the claims, if allowed, would improperly subject applicants to harassment from multiple assignees.

The broadened variants of the instant application are fully encapsulated by the claims of the child application from which the child claims priority to.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Response to Amendments/Arguments***

26. The double patenting statutory patenting rejection to claim 7 is overcome. Judicially created double patenting rejection to 4, 7 10 and 12 overcome. The previous rejections under 35 USC 112 second paragraph have been overcome.

The amendments overcame: Kensmostsu anticipatory rejections to claims 14-15, 7, 12-13.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidence by Balish. The major and minor axis are first and second widths. The bridge is centered on body. Aperture is on the longitudinal axis.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidence by Gerstein which discloses an elliptical bridge in the

embodiment of fig 6 so it has a first major width axis and a second width minor axis. The bridge is centered on the body and the aperture is on the longitudinal axis.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidence by Faulks which discloses: Bridge 7 is odd shaped with a plurality of widths, bridge is centered on body and the aperture is on the longitudinal axis.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidence by Marguiles which discloses: -the bridge in the right to left width has a first width, the direction perpendicular has a second width, also the hex shaped angled side create a plural width spectrum., the bridge is centered on body, the aperture is on the longitudinal axis.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidence by Yates which discloses: – Bridge 11 has non-square rectangular top therefore two differing widths. Centered on body. It was effective in overcoming the anticipatory rejection to claim 4 as the aperture is off the longitudinal axis.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidence by Wright et al. which discloses: Bridge 11 has non-square rectangular top therefore two differing widths. Bridge is centered on body. The bridge was folded over the top opening from a blank, and is therefore removable by unfolding it away from the opening.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidence by Jackson et al. which discloses the bridge 71 has non-

square rectangular top therefore two differing widths Centered on body. Bridge shown removed in fig 3.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidence by Taormina which discloses: – the body has embodiments showing non-square rectangular embodiments (see fig 6 & 7), the bridge is removable, the bridge centered on body, aperture on longitudinal axis.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidence by Kenmotsu the Bridge 5 has non-square rectangular top therefore two differing widths. Bridge is Centered on body and Removable- see fig 3.

Amendment to claim 4 was effective in overcoming the anticipatory rejection to claim 4 as the aperture is off the longitudinal axis.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidence by Temesvary et al. as the the dispenser has differing widths near and away from the tip, bridge is centered bridge on body, the bridge is Removable –just pop 5 past 4.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidence by Bitwoft et al. which discloses: Bridge 5 has non-square rectangular top therefore two differing widths, the bridge is Centered on body on top of the opening and is Removable, just pop up past the ridges.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidence by Stephens which discloses the bridge 80 is removed from the top opening of the container; the bridge is Centered on body on top of the opening and has

Differing widths, ie at 78 it is narrower than on either side. Also the curved edges create a spectrum of plural widths, all of which are also different than the width in the direction perpendicular to the direction having the curved sides

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidence by Lewis which discloses the bridge having the conical shape provides differing widths

The bridge is shown removed in fig 2,3,4, etc., Bridge is centered on body.

*Conclusion*

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEB

12/21/07

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